

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:13-cr-00175-MOC

THIS MATTER is before the court on defendant's Motion for Reconsideration of Sentence (#41). Out of an abundance of caution, the court will deem this Motion not to be filed pursuant to § 2255. Having considered defendant's motion and reviewed the pleadings, the court enters the following Order.

In the Motion (#41), the defendant alleges that his military service was not part of the information presented to the court during the sentencing hearing or via the presentence report. The court notes that the following section is part of the presentence report (#31):

Military Record

63. McDougal was enlisted in the United States Air Force from August 13, 1979 to November 12, 1984 before being honorably discharged. While enlisted, McDougal reports he received commendations as a Marksman, Honor Guard, and Good Citizen Citation.

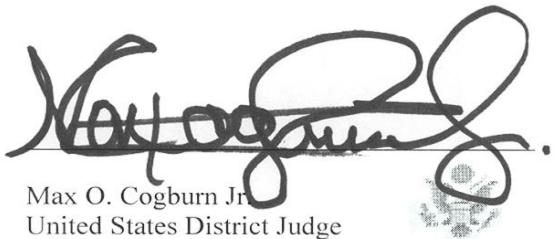
(#31) at 11. The defendant's military record was taken into consideration during the sentencing process. As such, the court will not re-open the sentencing in this case.

ORDER

IT IS, THEREFORE, ORDERED that defendant's Motion for Reconsideration

of Sentence (#41) is **DENIED**.

Signed: June 2, 2017



A handwritten signature in black ink, appearing to read "Max O. Cogburn Jr.". The signature is fluid and cursive, with a prominent "M" at the beginning.

Max O. Cogburn Jr.
United States District Judge